JOURNAL

OF THE

CONVENTION

OF THE

ALABAMA TERRITORY

BEGUN

July 5, 1819

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JOURNAL

OF the Convention of the Alabama Territory, begun and held at the town of Huntsville on the fifth day of July, in the year of our Lord one thousand eight hundred and nineteen, and of the Independence of the United States of America the forty fourth, being the time and place appointed for the meeting of the Convention for the purpose of forming a Constitution and State Government; By virtue of an act of Congress "Entitled an act to enable the people of the Alabama Territory, to form a Constitution and State Government, and for the admission of such State into the Union, on an equal footing with the original States," passed on the second day of March, one thousand eight hundred and nineteen.

The following members appeared and took their seats, to wit:

From the county of Madison—*Clement C. Clay, John Leigh Townes, Henry Chambers, Lemuel Mead, Henry Minor, Gabriel Moore, John W Walker, and John M. Taylor.*

From the county of Monroe—*John Murphy, John Watkins, and James Pickens.*

From the county of Blount—*Isaac Brown, John Brown, and Gabriel Hanby.*

From the county of Limestone—*Thomas Bibb, Beverly Hughes and Nicholas P. Davis.*

From the county of Shelby—*George Phillips and Thomas A. Rogers.*

From the county of Montgomery—*John D. Bibb, and James W. Armstrong.*

From the county of Washington—*Israel Pickens and Henry Hitchcock.*

From the county of Tuscaloosa—*Marmoduke Williams and John L. Tindal.*

From the county of Lawrence—*Arthur F. Hopkins and Daniel Wright.*

From the county of Franklin—*Richard Ellis and William Metcalf.*

From the county of Cotaco—*Melkijah Vaughan and Thomas D. Crabb.*

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From the county of Clark—*Reuben Saffold & Jas. M'Goffin.*
From the county of Cahaba—*Littlepage Sims.*
From the county of Conecuh—*Samuel Cook.*
From the county of Dallas—*William R King.*
From the county of Marengo—*Washington Thompson.*
From the county of Marion—*John D. Terril.*
From the county of Lauderdale—*Hugh M'Vay.*
From the county of St. Clair—*David Conner.*
From the county of Autauga—*James Jackson.*

A sufficient number being present to proceed to business: On motionof Mr. Taylor, Mr. Pickens (of Washington) was called to the chair.

On motion of Mr. Taylor. *Resolved*, that this Convention do now proceed to elect a President.

On motion of Mr. Clay *Resolved*, that tellers be appointed for the purpose of counting the ballots: Whereupon Mr. Clay and Mr Phillips were appointed: and upon counting the ballots it appeared that Mr. John W. Walker was unanimously elected, who being conducted to the chair, returned his acknowledgements, and proceeded to the duties thereof

On motion of Mr. Clay *Resolved*, that the Convention do now proceed to the election of a Secretary: Mr. Taylor and Mr. M'Vay were appointed tellers; and upon counting the ballots it appeared that Mr. John Campbell was duly elected, whereupon he was notified of his appointment, and entered upon the duties of his office.

On motion of Mr Pickens (of Washington) *Resolved*, that the Convention do now proceed to the election of a Doorkeeper, and on counting the ballots it appeared that Daniel Rather was duly elected, who entered upon the duties of his office.

On motion of Mr. Pickens (of Washington) *Resolved*, that a committee of five members be appointed to draft Rules of order and decorum for the Government of this Convention; whereupon Messrs. Pickens (of Washington,) Minor, Hanby, Rogers and Moore, were appointed.

On motion of Mr. Hitchcock—*Resolved*, That a Committee of Elections be appointed to consist of five members: whereupon Messrs. Hitchcock, M'Goffin, Townes, Ellis and Williams were appointed.

On motion of Mr Hitchcock—*Resolved*, That the rules for the government of the House of Representatives of the Alabama Territory be adopted as the rules for the government of this Convention, so far as they are applicable, until otherwise ordered by the Convention.

On motion, ordered that the Convention do now adjourn till 10 o'clock tomorrow morning.

TUESDAY. 6th July, 1819.

The Convention met pursuant to adjournment.

Mr Wiggins, a member from the county of Monroe, appeared and took his seat

On motion—*Resolved*, That the Governor of this Territory be admitted to take a seat within the bar of this House.

On motion—*Resolved*, that the President assign to Mr. Boardman a seat within the bar of this House, for the purpose of taking down the proceedings thereof.

On motion of Mr Mead—*Resolved*, That a Committee of Accounts be appointed, whereupon the following members were appointed Messrs. Mead, Davis, Crabb, Wright and M'Vay.

On motion, ordered that the Secretary of the Convention, under the direction of the President thereof, be and he is hereby authorised to contract for the Printing ordered by the Convention to be done during its session.

Mr. Williams offered the following resolution—*Resolved*, That it be expedient for the Convention at this time to form a Constitution and State Government for the people of the Alabama Territory.

To which Mr. Clay offered the following addition as an amendment, "in conformity with an Act of Congress of the United States, passed on the second day of March, one thousand eight hundred and nineteen, entitled "An act to enable the people of the Alabama Territory to form a Constitution and State Government, and for the admission of such State into the Union, on an equal footing with the original states," and

The question being taken thereon, it passed in the affirmative.

The question was then taken upon the resolution as amended, and decided in the affirmative.

The ayes and noes being demanded by two members present: Those who voted in the affirmative were, Mr. President Messrs Armstrong, Bibb (of Limestone) Bibb, (of Montgomery) Brown, Chambers, Clay, Conner, Cook, Crabb, Davis, Ellis, Hanby, Hitchcock, Hopkins, Hughes, Jackson, King, M'Goffin, M'Vay, Mead, Metcalf, Minor, Moore, Murphy, Phillips, Pickens, (of Monroe) Pickens, of Washington) Rogers, Saffold, Sims, Taylor, Terril, Thompson, Tindal, Townes, Vaughan, Watkins, Wiggins, Williams and Wright.

No one voting in the negative, the said resolution was unanimously adopted.

On motion of Mr. Clay,—*Resolved*, That a Committee of —— members be appointed to prepare and report to this Convention a plan of a Constitution or form of Government for the State to be formed of the Alabama Territory.

And on motion—*Resolved*, That the Convention do now proceed to the consideration of said Resolution.

And upon the question being taken thereon it was determined in the affirmative.

And the question being put, will the Convention agree to the said resolution, it was decided in the affirmative.

Mr. M'Vay moved that the blank in the said Resolution, be filled with the number twenty-two: which motion was decided in the negative.

Mr Moore moved that the blank be filled with the number twenty: which motion was also decided in the negative.

Mr. Clay moved that the blank be filled with the number fifteen, which motion was decided in the affirmative.

Whereupon the following members were appointed in pursuance of the said resolution, to wit: Messrs. Clay, Pickens (of Washington) Bibb, (of Limestone) King, Taylor, Hitchcock, Murphy, Chambers, Hopkins, Saffold, Phillips, Watkins, Hughes, Bibb (of Montgomery) and Ellis.

On motion ordered that the Convention do now adjourn till ten o'clock to morrow morning.

WEDNESDAY, 7th July 1819.

The Convention met pursuant to adjournment. Mr. Toulmin the member from the county of Baldwin, appeared and took his seat.

Mr. Pickens from the committee appointed to draft Rules of order and decorum for the Government of this Convention. made a report which was received.

On motion of Mr. Clay the Convention resolved itself into a committee of the whole on the said report, Mr. Murphy in the chair, and after some time spent therein, Mr. President resumed the chair and Mr. Murphy reported that the committee had according to order had the said report under consideration and had made several amendments therein with which they desired the concurrence of the Convention.

And the questions being taken thereon, they were determined in the affirmative.

The question was then taken on the adoption of said report as amended, and passed in the affirmative.

Standing Rules of Order and Decorum for conducting business in the Convention.

TOUCHING THE DUTIES OF PRESIDENT.

1. The President shall take the chair every day, at the hour to which the Convention shall have adjourned, on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order subject to an appeal to the Convention by any two members, on which appeal no member shall speak more than once unless by leave of the Convention. He shall rise to put a question, but may state it sitting.

3. Questions shall be distinctly put in this form, viz: *As many as are of opinion that* [as the question may be] *say, aye;* and after the affirmative voice is expressed, *As many as are of the contrary opinion say, no.* If the President doubts, or a division be called for, the Convention shall divide; those of the affirmative of the question shall first rise from their seats, and afterwards those of the negative.

4. The President shall have a general direction of the Convention. He shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

5. Twelve members shall have power to call a house and send for absent members. A majority shall be a quorum to transact business, and five members, after the hour of twelve, may adjourn from day to day.

6. When a member is about to speak, debate, or deliver any matter to the Convention, he shall rise from his seat and respectfully address himself to Mr. President.

7. If any member, in speaking or otherwise, transgress the rules, the President shall, or any member may call to order, in which case the member so called to order, shall immediately sit down, unless permitted to explain; and the Convention shall, if applied to, decide on the case, but without debate. If the decision be in favor of the member so called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the Convention.

8. When two or more happen to rise at the same time, the President shall name the person who is first to speak.

9. No member shall speak more than twice to the same question without leave of the Convention; nor more than once, until every member choosing to speak shall have spoken

10. Whilst the President is putting a question, or addressing the Convention, none shall walk across the room, nor, when a member is speaking, enter on private discourse; or pass between him and the chair.

11. Upon calls of the Convention for taking the yeas and nays on any question, the names of the members shall be called alphabetically, and each member shall answer from his seat.

12. Any two members shall have a right to call for the yeas and nays of any question.

13. When a motion is made and seconded, it shall be stated by the President, or if in writing shall be read aloud by the Secretary, and every motion shall be reduced to writing, if the President or any member request it.

14. Any member may call for a division of the question when the sense will admit of it.

15. Each member shall particularly forbear personal reflections, nor shall any member name another in argument or debate.

16. After a motion is stated by the President, or read by the Secretary, it shall be deemed in possession of the Convention, but may be withdrawn at any time before the decision or amendment.

17. When a question is under debate no motion shall be received but to adjourn, to postpone to a day certain, to lie on the table, for the previous question, to postpone indefinitely, to commit or amend, which several motions shall have precedence in the order they stand arranged.

18. A motion to adjourn shall always be in order and shall be decided without debate.

19. The previous question shall be in this form, shall the main question be now put. It shall only be admitted when demanded by a majority of the members present, and until it is decided shall preclude all amendments and further debate of the main question—On a previous question their shall be no debate.

20 In taking the sense of the Convention a majority of the votes of the members present shall govern.

21. No resolution, section or article in the Constitution shall be finally concluded and agreed upon until, the same shall have been read on three several days, unless a majority of two thirds may think it necessary to dispense with this rule, which vote shall be decided without debate.

22. When any question shall have been decided, it shall not be reconsidered but on motion of a member who voted in the majority, provided that if such motion be made after two days from such decision, a majority of the whole Convention shall be necessary to a reconsideration.

23. The Convention shall resolve itself into a committee of the whole when deemed necessary, and when in committee of the whole, shall be governed by the foregoing rules, except that in committee of the whole any member may speak as often as he may think proper.

24. The President may appoint committees, unless otherwise directed by the convention.

25. On all questions when the yeas and nays are demanded the President shall vote.

26. No member shall absent himself from the service of the Convention unless he have leave, be sick or unable to attend.

27. Upon a call of the Convention, the names of the members shall be called over by the Secretary, and the absentees without leave, noted; one hour after which, the names of the absentees shall again be called over, and those for whom no excuse, or an insufficient excuse is made, may, by order of those present if twelve in number, be taken into custody as they appear or may be sent for and taken into custody where to be found.

COMMITTEES—THEIR DUTY.

28. It shall be the duty of the committee of elections to examine and report upon the certificates of elections and other credentials of members returned to serve in this Convention, and to take into their consideration all such petitions and other matters, touching elections and returns, as shall or may be presented, or come in question and be referred to them by the Convention.

29. No committee shall sit during the sitting of the Convention without special leave.

30. The Secretary of the Convention shall take an oath, to be administered by the President, for the due and faithful discharge of the duties of his office to the best of his knowledge & abilities. It shall be his duty to keep and preserve all records and papers introduced and submitted to the consideration of the Convention; to furnish such papers as may be committed, with the names of the members that compose such committee, to the chairman thereof; and in all things to perform his duty as Secretary of this Convention, under the direction of the President.

31. All questions relating to the priority of business to be acted on shall be decided without debate.

On motion ordered that one hundred copies of the foregoing rules be printed for the use of the members of this Convention.

Mr. Toulmin offered the following resolution *Resolved*, that a committee be appointed to take into consideration and report to this Convention, their opinion on the propositions offered by the Congress of the United States for their free acceptance or rejection of this Convention in the sixth section of the Act entitled "an act to enable the people of the Alabama Territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States."

And on motion ordered that said resolution lie upon the table.

Mr. Townes offered the following resolution; *Resolved*, that the Secretary of this Convention be and he is hereby authorized to employ one or two assistants or clerks, to aid him in the duties of his office; whose duties shall commence from and after the instant.

And on motion ordered that the said resolution lie upon the table.

On motion of Mr. Bibb (of Montgomery) *Resolved*, that the Door keeper be directed to employ in the service of this Convention a suitable person to aid him in the discharge of his duties.

And on the question being put, will the Convention now consider the said Resolution. It was determined in the affirmative.

And on the question being put, will the Convention agree to the said resolution. It was passed in the affirmative.

Mr. Taylor offered the following resolution; *Resolved*, that the Secretary be authorized, under the direction of the President to purchase such Stationary, as may be necessary for the use of the Convention during the session.

And upon the question being put, will the Convention consider the said resolution. It was determined in the affirmative.

And on the question, will the Convention agree to the said resolution. It was passed in the affirmative.

On motion ordered that the Convention do now adjourn till 10 o'clock tomorrow morning.

THURSDAY July 8, 1819.

The Convention met pursuant to adjournment.

Mr. Moore offered the following resolution; *Resolved*, that Mr. John Campbell, Secretary to this Convention, be now qualified, in conformity with the rules of order and decorum which have been adopted for the Government of this body.

And on the question being taken thereon, it passed in the affirmative.

When the oath was administered by the President in conformity with the rules aforesaid.

On motion of Mr. Clay the resolution offered by Mr. Townes on yesterday, and ordered to lie upon the table: authorizing the Secretary to employ an assistant &c. was called up and after making some amendments thereto was adopted as follows: *Resolved*, that the Secretary of this convention be and he is hereby authorized to employ an assistant clerk to aid him in the duties of his office. whose duties shall commence from and after the 8th instant.

On motion of Mr. Clay, the Resolution offered by Mr. Toulmin on yesterday, relative to the propositions contained in the 6th section of the act for the admission of this Territory into the Union was called up.

And on motion the Convention Resolved itself into a committee of the whole, on said resolution: Mr Pickens of (Washington)in the chair, and after sometime spent therein Mr. President resumed the chair and Mr. Pickens reported that the committee had according to order,had the said Resolution under consideration, and had amended the same by striking out the whole of said resolution after the word *Resolved*, and inserting in lieu thereof, the following "That this Convention in behalf of the people of the Alabama Territory do accept of the propositions contained in the 6th section of the act, for the admission of the said Territory into the Union, and on the conditions expressed therein: and that a committee of members be appointed to draft an ordinance conformably to the provisions of said section.

With which amendment they asked the concurrence of the Convention.

And the question being taken thereon. It passed in the affirmative.

The question was then taken on the adoption of said resolution as amended. It passed in the affirmative.

Mr. Moore moved that the Blank in the said resolution be filled with the word "five."

And the question being taken thereon, it passed in the affirmative.

Whereupon the following members were appointed. in pursuance of said resolution, Messrs. Toulmin, Townes, M'Goffin, Rogers and Williams.

On motion ordered that this Convention do now adiourn till 10 o'clock on Monday next.

MONDAY, July 12, 1819.

The Convention met pursuant to adjournment.

On motion, ordered that this Convention do now adjourn till 10 o'clock to-morrow morning.

TUESDAY, July 13, 1819.

The Convention met pursuant to adjournment.

Mr. Hitchcock from the committee of elections made the following report, which was received.

The committee of elections to whom was refered the certificates and credentials of the members returned to serve in this Convention, report the following members duly elected.

From the county of Madison—*Clement C. Clay, John Leigh Townes, Henry Chambers, Lemuel Mead, John W. Walker, Gabriel Moore, Henry Minor and John M. Taylor.*

From the county of Blount—*John Brown, Isaac Brown, and Gabriel Hanby.*

From the county of Limestone—*Thos. Bibb, Beverly Hughes, and Nicholas Davis.*

From the county of Shelby—*George Phillips and Thomas S. Rogers.*

From the county of Montgomery—*John D. Bibb and James W. Armstrong.*

From the county of Washington—*Israel Pickens and Henry Hitchcock.*

From the county of Tuskaloosa—*Marmaduke Williams and John L. Tindal.*

From the county of Monroe—*John Watkins, John Murphy, James Pickens, and Thomas Wiggins.*

From the county of Lawrence—*Arthur F. Hopkins and Daniel Wright.*

From the county of Franklin—*Richard Ellis and William Metcalf.*

From the county of Cotaco—*Malkijah Vaughan, and Thomas D. Crabb.*

From the county of Clark—*Reuben Saffold and James M'Goffin.*

From the county of Baldwin—*Harry Toulmin,*

From the county of Cahaba—*Littlepage Sims.*

From the county of Conecuh—*Samuel Cook.*

From the county of Dallas—*William R. King,*

From the county of Marengo—*Washington Thompson.*

From the county of Marion—*John D Terril.*

From the county of Lauderdale—*Hugh M'Vay.*

From the county of St. Clair—*David Conner.*

From the county of Autauga—*James Jackson.*

Mr. Toulmin from the committee appointed to draft an ordinance, comformably to the conditions, contained in the 6th section of the act for the admission of this Territory into the Union; made a report, which was received and read the first time.

And on motion ordered that the said report be referred to a committee of the whole and be made the order of the day for to-morrow, and that fifty copies thereof be printed for the use of the members.

Mr. Clay, from the committee appointed to draft a plan of a Constitution or form of Government for the State to be formed of the Alabama Territory, made a report, which was received and read the first time.

And on motion of Mr. Clay, ordered that the said report be referred to a Committee of the whole and be made the order of the day for Thursday next.

Mr. Chambers moved that one hundred copies of the said report be printed for the use of the Convention.

And the question being taken thereon it was decided in the negative.

Mr. Clay moved that seventy-five copies be printed for the use of the Convention.

And the question being taken thereon it was decided in the affirmative.

On motion, ordered that the Convention do now adjourn till 10 o'clock to-morrow morning.

WEDNESDAY, July 14, 1819.

The Convention met pursuant to adjournment.

Mr. King called for the order of the day on the report of the committee appointed to prepare an ordinance, conformably to the conditions of the 6th section of the act for the admission of this Territory into the Union.

And on motion the Convention resolved itself into a committee of the whole on said report—Mr. Pickens (of Washington) in the chair; and after some time spent therein—Mr. President resumed the chair, and Mr. Pickens reported that the committee had according to order had the said report under consideration, and had amended the same by striking out the preamble and the word therefore, with which amendment they desired the concurrence of the Convention.

On motion of Mr. King, ordered that the said report and amendment lie upon the table.

Mr. Hitchcock offered the following additional rule for the government of this Convention:

All adjournments shall be to 9 o'clock on the succeeding day.

And the question being taken thereon it was decided in the negative.

Mr. Minor offered the following resolution—*Resolved*, That a committee of members be appointed, to draw and report to this Convention a Memorial to the Congress of the United States praying that if the treaty with Spain, made at Washington during the present year, shall be ratified by the Spanish government—so much of the Territory thereby ceded to the United States as lies West of the Appalachicola river, may be annexed to the State of Alabama.

And the question being taken thereon, it passed in the affirmative.

On motion—*Resolved*, That the blank in said resolution be filled with the word "five."

And the question being taken thereon, it passed in the affirmative.

Whereupon the following members were appointed in pursuance of the said resolution. Messrs. Minor, Toulmin, Cook, Terril and Jackson.

On motion ordered that when this Convention adjourns, it will adjourn till ten o'clock on Monday next.

On motion ordered that the Convention do now adjourn.

MONDAY, July 19, 1819.

The Convention met pursuant to adjournment.

Mr. Bibb, (of Limestone) moved the reconsideration of the motion made by Mr. Hitchcock on Wednesday last, that the following be added as an additional Rule for the government of this Convention.

"All adjournments shall be to 9 o'clock on the succeeding day unless otherwise ordered by the Convention."

And the question being taken thereon, it passed in the affirmative.

The question was then taken on the adoption of the said rule and decided in the affirmative.

Mr. Toulmin offered the following resolution—*Resolved*, That the same record be kept of the proceedings in committee of the whole as it is usual to keep when the President is in the Chair.

And the question being taken thereon, it was decided in the negative.

On motion of Mr. Clay, the Convention *Resolved* itself into a committee of the whole, on the report of the committee ap-

pointed to prepare and report a plan of a Constitution. Mr. King in the Chair—and after the some time spent therein Mr. President resumed the chair and Mr. King reported that the committee had according to order, had the said report under consideration, had made some progress therein, but not having time to go the same, had directed him to ask leave to sit again which was granted.

On motion of Mr. Townes—*Resolved*, That when this Convention adjourns, it will adjourn to 4 o'clock this evening.

On motion ordered that the Convention do now adjourn.

4 *o'clock, P. M.*

The Convention met pursuant to adjournment.

On motion of Mr. King the Convention resolved itself into a committee of the whole on the report of the committee appointed to prepare and report a plan of a Constitution; Mr. Toulmin in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Toulmin reported that the committee had according to order had the said report under consideration, had made some progress therein but not having time to go thro' the same, had directed him, to ask leave to sit again which was granted.

Mr. Mead moved the following resolution—*Resolved*, That the Secretary, be directed to have printed for the use of the members, copies of the Journal of the proceedings of this Convention.

And the question being taken thereon, it passed in the affirmative.

On motion of Mr. King, ordered that the said resolution lie upon the table.

On motion, ordered that the Convention do now adjourn.

TUESDAY July 20, 1819.

The Convention met pursuant to adjournment.

On motion of Mr. King the Convention again resolved itself into a committee of the whole on the report of the committee appointed, to prepare and report a plan of a Constitution and State Government for the State to be formed of the Alabama Territory. Mr. Bibb (of Limestone) in the chair, and after some time spent therein—Mr. President resumed the chair and Mr. Bibb reported, that the committee had according to order had the said report under consideration, had made some progress therein but, not having time to go through the same had directed him to ask leave to sit again which was granted.

On motion of Mr. Taylor *Resolved*, that when this Convention adjourns, it will adjourn till half past three o'clock this evening.

On motion ordered that the Convention do now adjourn.

Half past 3 o'clock, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Taylor the Convention resolved itself into a committee of the whole to take into consideration the report of the committee appointed to prepare and report a plan of a Constitution and State Government, for the State to be formed of the Alabama Territory. Mr. Saffold in the chair and after sometime spent therein, Mr. President resumed the chair and Mr. Saffold reported that the committee had according to order had the said report under consideration and had made some progress therein but, not having time to go thro' the same had directed him to ask leave to sit again, which was granted.

On motion ordered that the Convention do now adjourn.

WEDNESDAY, July 21, 1819.

The Convention met pursuant to adjournment.

Mr. Mead called up the resolution offered by him on Monday last directing the Secretary of this Convention to have printed for the use of the members copies of the Journals of the proceedings of this Convention.

To which Mr. King moved an amendment in the following words: "And copies to be distributed by the Secretary of State among the several counties of the State (according to the law in relation to the distribution of the Journals of the House of Representatives); retaining copies to be deposited in the Executive office.

And the question being taken thereon, it passed in the affirmative.

On motion of Mr. King *Resolved*, that the first blank in the Resolution be filled with the words "forty-five," the second blank with the words "five hundred" and the third blank with the words "twenty-five"

On motion of Mr. King the Convention *Resolved* itself into a committee of the whole to take into consideration the report of the committee appointed to prepare and report a plan of a Constitution. Mr. Murphy in the chair; and after sometime spent therein, Mr. President resumed the chair and Mr. Murphy reported that the committee had according to order had the said report under consideration, and had made some progress therein but, not having time to go through the same had directed him to ask leave to sit again, which was granted.

On motion of Mr. Taylor, *Resolved*, that when this Convention adjourns: It will adjourn till 4 o'clock this evening.

On motion ordered that the Convention do now adjourn.

WEDNESDAY, July 21, 1819.—4 *o'clock P. M.*

The Convention met pursuant to adjournment.

On motion of Mr. Hughes the Convention resolved itself again into a committee of the whole, on the report of the committee appointed to prepare and report a plan of a Constitution, Mr. Toulmin in the chair, & after some time spent therein—Mr. President resumed the chair, and Mr. Toulmin reported that the committee had according to order had the said report under consideration & had made some progress therein, but not having time to go through the same had directed him to ask leave to sit again, which was granted.

On motion ordered that the Convention do now adjourn.

THURSDAY July 22, 1819.

The Convention met pursuant to adjournment.

On motion of Mr. Taylor the Convention resolved itself into a committee of the whole to take into consideration the report of the committee appointed to prepare and report a plan of a Constitution, Mr. King in the chair, & after sometime spent therein, Mr. President resumed the chair and Mr. King reported, that the committee had according to order had the said report under consideration and had made some progress therein, but not having time to go through the same, had directed him to ask leave to sit again, which was granted.

On motion of Mr. Taylor *Resolved*, that when this Convention adjourns, it will adjourn till 4 o'clock this evening.

On motion ordered that the Convention do now adjourn.

4 *o'clock P. M.*

The Convention met pursuant to adjournment.

On motion of Mr. Taylor the Convention resolved itself again into a committee of the whole to take into consideration the report of the committee appointed to prepare and report a plan of a Constitution, Mr. Pickens (of Washington) in the chair—and after some time spent therein, Mr. President resumed the chair and Mr. Pickens reported that the committee had according to order had the said report under consideration, had made some progress therein, but not having time to go thro' the same, had directed him to ask leave to sit again. which was granted.

On motion ordered that the Convention do now adjourn.

FRIDAY, July 23, 1819.

The Convention met pursuant to adjournment.

On motion of Mr. Clay the Convention resolved itself into a committee of the whole, on the report of the committee ap-

pointed to prepare and report a plan of a Constitution; Mr. Bibb (of Limestone) in the chair, and after some time spent therein, Mr President resumed the chair and Mr. Bibb reported that the committee had according to order had the said report under consideration, and had made some progress therein, but not having time to go through the same, had directed him to ask leave to sit again, which was granted.

On motion *Resolved*, That when this Convention adjourns, it will adjourn till 4 o'clock this evening

On motion ordered that this Convention do now adjourn

4 *o'clock P. M.*

The Convention met pursuant to adjournment.

On motion of Mr. Taylor the Convention resolved itself into a committee of the whole, on the report of the committee appointed to prepare and report a plan of a Constitution, Mr. Murphy in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Murphy reported that the committee had according to order had the said report under consideration and had made some progress therein, but not having time to go through the same, had directed him to ask leave to sit again, which was granted.

On motion ordered that the Convention do now adjourn.

SATURDAY, July 24, 1819.

The Convention met pursuant to adjournment

On motion of Mr. Bibb of Limestone *Resolved*, that when this Convention adjourns it will adjourn till 10 o'clock on Monday next.

On motion of Bibb of Limestone, the Convention resolved itself into a committee of the whole, on the report of the committee appointed to prepare and report a plan of a Constitution.—Mr. Pickens of Washington in the chair; and after sometime spent therein, Mr President resumed the chair, and Mr. Pickens reported that the committee had according to order had the said report under consideration and had made some progress therein, but not having time to go thro' the same had directed him to ask leave to sit again, which was granted.

On motion ordered that the Convention do now adjourn.

MONDAY, July 26, 1819.

The Convention met pursuant to adjournment.

On motion of Mr. King, the Convention resolved itself into a committee of the whole, on the report of the committee appointed to prepare and report a Constitution. Mr. Saffold in the chair; and after sometime spent therein, Mr. President re-

sumed the chair, and Mr. Saffold reported that the committee had according to order had the said report under consideration and had made some progress therein but not having time to go thro' the same, had directed him to ask leave to sit again, which was granted.

On motion of Mr. King *Resolved*, that when this Convention adjourns it will adjourn till 4 o'clock this evening.

On motion ordered that this Convention do now adjourn.

4 o'clock P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Taylor the Convention resolved itself into a committee of the whole, on the report of the committee appointed to prepare and report a plan of a Constitution—Mr. King in the chair; and after sometime spent therein, Mr. President resumed the chair, and Mr. King reported that the committee had according to order had said report under consideration and had made some progress therein, but not having time to go thro' the same had directed him to ask leave to sit again which was granted.

On motion ordered that the Convention do now adjourn.

TUESDAY, July 27, 1819.

The Convention met pursuant to adjournment.

On motion of Mr. Taylor the Convention resolved itself into a committee of the whole, on the report of the committee appointed to prepare and report a plan of a Constitution—Mr. Bibb of Limestone in the chair: and after some time spent therein, Mr. President resumed the chair, and Mr. Bibb reported that the committee had according to order had said report under consideration and had made some progress therein but not having time to go thro' the same had directed him to ask leave to sit again, which was granted.

On motion of Mr. King *Resolved*, that when this Convention adjourns it will adjourn till half past 3 o'clock.

On motion ordered that this Convention do now adjourn.

Half past 3 o'clock P. M.

The Convention met pursuant to adjournment.

Mr. Garrow a member from the county of Mobile appeared and took his seat.

On motion of Mr. Hughes the Convention resolved itself into a committee of the whole, on the report of the committee appointed to prepare and report a plan of a Constitution for the State of Alabama. Mr. Pickens of Washington in the chair; and after some time spent therein, Mr. President resum-

ed the chair, and Mr. Pickens reported that the committee of the whole had according to order had the said report under consideration had made sundry amendments thereto. With which the committee asked the concurrence of the Convention.

On motion of Mr. King, ordered that the said report with the amendments lie upon the table

On motion of Mr. King the report of the committee appointed to prepare an ordinance comformably to the conditions contained in the sixth section of the act of Congress for the admission of this Territory into the Union with the amendments made thereto in committee of the whole, was called up.

And on motion the Convention again resolved itself into a committee of the whole on the said report and amendments.—Mr. Pickens of Washington in the chair; and after some time spent therein, Mr. President resumed the chair, and Mr. Pickens reported that the committee had according to order had the said ordinance with the amendments under consideration and had made sundry amendments thereto, With which they asked the concurrence of the Convention,

And the question being taken thereon, it passed in the affirmative.

The said ordinance was then read a second time and ordered to be engrossed and read a third time.

On motion ordered that the Convention do now adjourn.

WEDNESDAY, July 28, 1819.

The Convention met pursuant to adjournment.

Mr. Minor from the committee appointed to draw and report to this Convention a memorial to the Congress of the United States praying that if the treaty with Spain made at Washington during the present year, shall be ratified by the Spanish Government, so much of the Territory thereby ceded to the United States as lies west of the Apalachicola River may be annexed to the State of Alabama, made a report which was received and read the first time, and ordered to be laid on the table.

On motion of Mr. King the Convention proceeded to consider the amendments made to the Constitution as reported by the committee of the whole.

The amendments made to the preamble of the Constitution as reported by the committee of the whole in the 4th, 6th and 16th lines being read, and the questions being taken thereon they were concurred in by the Convention.

A motion was made by Mr. Pickens of Washington, to a-

mend the last amendment made in committee of the whole to the preamble of the Constitution, by striking out the words "alteration or," and the question being taken thereon, it passed in the affirmative.

ARTICLE 1——DECLARATION OF RIGHTS.

The amendments made to the 3d, 5th, 9th, 11th, and 17th sections, being read and the questions being taken thereon, they were concurred in by the Convention.

Mr. Taylor moved to amend the amendment made in committee of the whole to the 21st. section, by striking out the words, "except during the life of the offender."

And the question being taken thereon, it passed in the affirmative.

The question was then taken on concurring with the amendment as amended, and passed in the affirmative

The question was then taken on the amendment made to the 29th section, and concurred in by the Convention.

ARTICLE 3——LEGISLATIVE DEPARTMENT.

The amendment which was made in committee of the whole to the 3d. sec. being read, was concurred in by the Convention.

Mr. King moved to disagree to the amendment made in committee of the whole to the 4th section, which struck out the words twenty three and inserted the words "twenty one," the age prescribed as to qualification for a Representative.

And the question being taken, will the Convention concur in said amendment, it passed in the affirmative.

The yeas and nays being called for by two members present, those who voted in the affirmative are,

Messrs. Armstrong, Bibb (of Limestone) John Brown, Isaac Brown, Clay, Conner, Cook, Crabb, Davis, Ellis, Hanby, Hopkins, Hughes, Jackson, M'Goffin, Metcalf, Moore, Phillips, Pickens, (of Washington) Rogers, Saffold, Terril, Thompson, Tindal, Townes, Vaughan, Wiggins, Wright and Williams—29.

And those who voted in the negative are, Mr. President, Messrs. Bibb, (of Montgomery) Chambers, Garrow, Hitchcock, King, M'Vay, Minor, Pickens, (of Monroe) Sims, Taylor, Toulmin, and Watkins—13.

The amendments to the 5th, 8th, 9th, 10th, 11th and 12th sections were read and concurred in.

The new section proposed by the committee of the whole to come in after the 12th section was read and concurred in.

The amendments to the 17th, 25th and 26th sections were read and concurred in.

The amendments made to the 28th section being read, Mr. Toulmin moved to amend the amendment by striking out the words 1828, and inserting in lieu thereof 1825

And the question being taken thereon, it passed in the affirmative.

Mr. Williams moved to strike out the provisio to the amendment, and the question being taken thereon, it was decided in the negative.

Mr. Clay moved farther to amend the amendment by adding an additional provisio in the following words; "And provided also that the General Assembly shall make no appropriations previous to the year 1825 for the building of any other State House than that now provided for by law.

And the question being taken thereon, it passed in the affirmative.

The question was then taken on concurring with the amendment as amended, and decided in the affirmative.

ARTICLE 4——EXECUTIVE DEPARTMENT.

Amendments made to the 5th, 6th, 8th, 14th, 15th, 17th, 21st, 22d, 23d, and 25th sections were read and concurred in.

MILITIA.

The amendments made to the 2d section were read and concurred in.

The fourth section was then read as amended in committee of the whole, which prescribes that all officers of the militia shall be elected or appointed in such manner as may be prescribed by law: provided that the General Assembly shall not make any such elections or appointments other than those of Adjutants General and Quarter-masters General.

Mr. Saffold moved to amend the amendment made in committee of the whole, by striking out the words "provided that the General Assembly shall not make any such elections or appointments."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by two members present: those who voted in the affirmative are,

Messrs. Moore, Pickens (of Monroe) Saffold, Tindall, Townes, Wiggins, and Williams—7.

Those who voted in the negative are, Mr President, Messrs. Armstrong, Bibb, (of Limestone) Bibb (of Montgomery) John Brown, Isaac Brown, Chambers, Clay, Conner, Cook, Crabb, Davis, Ellis, Garrow, Hanby, Hitchcock, Hopkins, Hughes, Jackson, King, M'Goffin, M'Vay, Metcalf, Minor, Phillips,

Pickens (of Washington) Rogers, Sims, Taylor, Terril, Thompson, Toulmin, Vaughan, Watkins, and Wright—35.

Mr. King then moved to strike out the words "other than those of Adjutants General and Quarter-masters General."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative are Mr. President, Messrs Bibb, (of Limestone) Bibb (of Montgomery) Chambers, Clay, Davis, Ellis, Garrow, Hitchcock, King, Pickens, (of Washington) Rogers, Sims, Taylor, Terril, Thompson, Toulmin, Vaughan, and Watkins—19.

Those who voted in the negative are Messrs Armstrong, John Brown, Isaac Brown, Conner, Cook, Crabb, Hanby, Hopkins, Hughes, Jackson, M'Goffin, M'Vay, Metcalf, Minor, Moore, Phillips, Pickens (of Monroe,) Saffold, Tindal, Townes, Wiggins, Wright and Williams—23.

The amendments to the fifth section were then read, giving to the Governor the appointment of his Aids-de-Camp.

Mr. King moved to amend the amendment by striking out the words, "*his own Aids-de-Camp,*" and inserting in lieu thereof "*his staff officers*"—And the question being taken thereon, it was decided in the negative.

Mr. Toulmin moved to amend the amendment by adding the following words, "he shall nominate, and by and with the advice and consent of the Senate appoint, all general staff officers, whose appointments are not otherwise provided for; and the question being taken thereon, it was decided in the negative.

The question was then taken on the amendment as reported by the committee of the whole and decided in the affirmative.

ARTICLE 5——JUDICIAL DEPARTMENT.

The amendments made in committee of the whole to sections 1st, 2d, 3d, 4th, 5th, 9th, 10th, 11th and 13th were read and concurred in.

The amendment made to the 16th section, which provides that the clerks of the several courts shall be appointed in such manner and be removed from office for such causes, as may be prescribed by law—being read,

Mr. Clay moved to amend the amendment by adding the following words, "provided that the General Assembly shall not make such appointments," And the question being taken thereon, it was decided in the negative.

Mr. Saffold then moved to amend the amendment by strik-

ing out the amendment of the committee of the whole, after the word several, and inserting the following words, after the word several, "Circuit and Inferior courts in this state shall be elected by the qualified electors in each county for the term of years and may be removed from office for such causes and in such manner as may be prescribed by law, and should a vacancy occur subsequent to an election, it shall be filled by the Judges of the court in which the vacancy exists, and the person so appointed shall hold his office until the next General election.

And the question being taken on striking out said words, it was decided in the affirmative.

The yeas and nays being demanded by two members present, those who voted in the affirmative, are Messrs. Armstrong, Bibb, (of Montgomery) John Brown, Isaac Brown, Conner, Cook, Crabb, Hanby, Jackson, M'Goffin, M'Vay, Metcalf, Moore, Phillips, Saffold, Sims, Terril, Thompson, Tindal, Vaughan, Watkins, Wiggins and Williams—23.

Those who voted in the negative are Mr. President, Messrs. Bibb, (of Limestone) Chambers, Clay, Davis, Ellis, Garrow, Hitchcock, Hopkins, Hughes, King, Minor, Pickens, (of Monroe) Pickens, (of Washington) Rogers, Toulmin, Taylor, Townes and Wright—19.

The question was then taken on inserting said words and decided in the affirmative.

The yeas and nays being demanded by two members present. Those who voted in the affirmative, are Messrs. Armstrong, Bibb (of Montgomery) John Brown, Isaac Brown, Conner, Cook, Crabb, Hanby, Jackson, M'Goffin, M'Vay, Metcalf, Moore, Phillips, Pickens, (of Monroe) Saffold, Sims, Terril, Thompson, Tindal, Vaughan, Watkins, Wiggins, and Williams—24.

Those who voted in the negative, are Mr. President, Messrs. Bibb (of Limestone) Chambers, Clay, Davis, Ellis, Garrow, Hitchcock, Hopkins, Hughes, King, Minor, Pickens, (of Washington) Rogers, Taylor, Toulmin, Townes, & Wright—18

On motion of Mr. King—*Resolved*, that when this Convention adjourns it will adjourn till 4 o'clock, P. M.

On motion ordered that the Convention do now adjourn.

4 *o'clock, P. M.*

The Convention met pursuant to adjournment.

On motion of Mr. King the Convention proceeded to consider the amendments made to the Constitution as reported by the committee of the whole.

Mr. Clay moved farther to amend the amendment made to the 16th section by adding the following words, "provided that no person who may be elected clerk shall be permitted to enter on the duties of the office, "till he shall have produced to the court for which he shall have been elected clerk a certificate from some Judge of the Supreme or Circuit court of this State that he is qualified for the duties of his office, and a failure to produce such certificate shall be deemed a vacation of the office, and the court shall proceed to appoint a clerk, for the remainder of the term." And the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative, are Messrs. Chambers, Clay, Davis, Ellis, Garrow, Hitchcock, Hopkins, Hughes, King, M'Goffin, Metcalf, Minor, Rogers, Taylor, Terril, Townes and Wright—17.

Those who voted in the negative, are Mr. President, Messrs. Bibb (of Limestone) Bibb (of Montgomery) John Brown, Isaac Brown, Conner, Cook, Crabb, Hanby, Jackson, M'Vay, Moore, Phillips, Pickens (of Washington) Pickens (of Monroe) Saffold, Sims, Thompson, Tindal, Toulmin, Vaughan, Watkins, Wiggins, Williams and Armstrong—25.

Mr. Hughes moved to fill the blank in said amendment with the word "ten," and the question being taken, it was decided in the negative.

Mr. Bibb (of Montgomery) moved to fill the blank with the word "four." And the question being taken, it was decided in the affirmative.

Mr. Toulmin moved farther to amend the said amendment by adding the following proviso, "provided, however, that the General Assembly shall direct a mode by which persons so elected shall within six months after their election, be examined by clerks or other persons well skilled in the duties of a clerk and should it appear on such examination that any person so elected is not duly qualified to discharge the duties of the office, another clerk shall be elected at the next general election, and the duties of the office shall in the mean time be discharged in such manner as may be prescribed by law," and the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative, are Messrs. Chambers, Clay, Davis, Ellis, Garrow, Hitchcock, Hopkins, Hughes,

King, M'Goffin, Rogers, Terril, Toulmin, Townes and Wright —15.

Those who voted in the negative, are Mr President, Messrs. Armstrong, Bibb, (of Limestone Bibb of Montgomery) John Brown, Isaac Brown, Conner, Cook, Crabb, Hanby, Jackson, M'Vay, Metcalf, Minor, Moore, Phillips, Pickens (of Monroe) Pickens (of Washington) Saffold, Sims, Taylor, Thompson, Tindal, Vaughan, Watkins, Wiggins, and Williams—27.

The question was then taken on concurring in the amendment as amended, and was decided in the affirmative.

The amendment to the 19th section was then read, and the words "circuit attornies," stricken out, and the word "solicitors" inserted.

ARTICLE 6——GENERAL PROVISIONS.

The amendments made by the committee of the whole to the 9th, 12th, 14th, 15th and 16th sections were read and concurred in

The amendment to the 17th section being read, Mr. Bibb of Montgomery, moved to strike out the words "at the next succeeding session," and the question being taken thereon, it was decided in the negative.

The amendments made in committee of the whole by striking out entirely the 19th,20th and 21st sections, were concurred in.

The amendment to the 24th section being read was concurred in.

SLAVES.

The amendment made to the 2d section was read and concurred in.

MODE OF AMENDING AND REVISING THE CONSTITUTION.

The amendment made to the 12th line was read and concurred in.

ESTABLISHMENT OF BANKS

The amendments made to the 1st section and to the 1st, 5th, 6th and 7th rule were read and concurred in.

SCHEDULE.

The amendments made to the 1st, 6th and 8th sections were read and concurred in.

The new section introduced in committee of the whole designating new election precincts being read, and the question being taken, will the Convention concur in this amendment—it was decided in the negative.

On motion ordered that the Convention do now adjourn.

THURSDAY, July 29, 1819

The Convention met pursuant to adjournment

On motion of Mr King, ordered that the Constitution be now read a second time: which was done accordingly.

Mr. Pickens (of Washington) moved the following amendment as a new section under the head of "General Provisions"

"In the event of the annexation of any foreign territory to this State by a cession from the United States, laws may be passed extending to the inhabitants of such territory all the rights and privileges which may be required by the terms of such cession; any thing in this Constitution to the contrary notwithstanding"

And the question being taken thereon, it passed in the affirmative.

Mr. Pickens (of Monroe) moved to amend the 5th section of the 3d article by adding a proviso in the following words, "and provided also that the General Assembly shall have power to declare what other free persons above the age of twenty one years, shall be entitled to the right of suffrage."

And the question being taken thereon, it was decided in the negative.

Mr. Bibb (of Limestone) moved to amend the 5th section of the 3d article by adding a proviso in the following words, "provided that the General Assembly shall have power to define by law, what free persons of mixed blood shall be deemed white persons within the meaning of this section and who with the qualifications of age and residence herein required shall be deemed qualified electors."

On motion of Mr Taylor, ordered that the said amendment lie upon the table.

Mr. Taylor moved to strike out the 16th section of the 5th article, (relative to the appointment of clerks,) and to insert in lieu thereof the following, "Clerks of the several Courts shall be appointed in such manner, and hold their offices for such term and be removed for such causes, as may be prescribed by law"

And the question being taken thereon, it was decided in the

Mr. Bibb (of Limestone) moved to strike out all that part of the 1st section under the article of slaves, which follows the word "humanity," in the 16th line.

And the question being taken thereon, it was decided in the negative.

Mr Taylor moved to insert, after the word "crimes," in the 2d section under the article of slaves the following words, "of a higher grade than petit larceny."

And the question being taken thereon, it was decided in the affirmative.

Mr Bibb (of Limestone) moved to amend the third section under the article of slaves by striking out the remainder of the section which follows the word "slave," in the 4th line.

And the question being taken thereon, it was decided in the affirmative.

Mr. Clay moved to amend the 15th section of the 6th article by inserting after the word "Governor," "and for members of the General Assembly."

And the question being taken thereon, it was decided in the affirmative.

Mr. Chambers moved to strike out the 1st section under the head of Banks, as reported by the Committee of the whole and to insert in lieu thereof the following:

"No Bank nor Branch Bank shall be established, nor bank charter renewed under the authority of this State, without the concurrence of a majority of the members elected to each House of the General Assembly, not more than one Bank or Branch Bank shall be established, nor Bank charter renewed at any one session of the General Assembly, nor shall any Bank or Branch Bank be established or Bank charter renewed but in conformity with the following Rules."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative, are, Mr. President, Messrs. Chambers, Clay, Ellis, Garrow, Hitchcock, Hopkins, Minor, Pickens, (of Monroe) Pickens (of Washington) Taylor and Watkins—12.

Those who voted in the negative, are Messrs. Armstrong, Bibb (of Montgomery) Bibb (of Limestone) John Brown, Isaac Brown, Conner, Cook, Crabb, Davis, Hanby, Hughes, Jackson, King, M'Goffin, M'Vay, Metcalf, Moore, Phillips, Ro-

gers, Saffold, Sims, Terril, Thompson, Tindal, Toulmin, Townes, Vaughan, Wiggins, Wright and Williams—30

Mr. King moved to amend the 1st section under the head of "mode of amending and revising the Constitution," in the 8th line by striking out the words "entitled to vote" and inserting in lieu thereof the word "voting" and in the 9th line by striking out the words, "in favour of" and inserting in lieu thereof the word "on" in the 11th line by striking out the words "entitled to a vote" and inserting in lieu thereof the word "voting."

And the question being taken thereon, it was decided in the affirmative.

Mr. Jackson moved to amend the 14th section of the 5th article, which provides that the Judges shall hold their offices during good behaviour, by striking out the words "good behaviour," and inserting in lieu thereof the words "the term of six years."

And the question being taken on striking out, it was decided in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative, are Messrs. Armstrong, John Brown, Isaac Brown, Conner, Cook, Hanby, Jackson, M'Goffin, M'Vay, Metcalf, Moore, Phillips, Saffold, Sims, Terril, Thompson, Vaughan and Wiggins—18.

Those who voted in the negative, are Mr President, Bibb, (of Limestone) Bibb (of Montgomery) Chambers, Clay, Crabb, Davis, Ellis, Garrow, Hitchcock, Hopkins, Hughes, King, Mead, Murphy, Minor, Pickens (of Monroe) Pickens (of Washington) Rogers, Taylor, Tindal, Toulmin, Townes, Watkins, Wright, and Williams—25.

Mr. Saffold moved to amend the 14th section of the 5th article, by striking out the following words (after the word provided) "however, that the cause or causes for which such removal shall be required shall be stated at length in such address and entered on the Journals of each House—and provided further that the cause or causes shall be notified to the Judge so intended to be removed, and he shall be admitted to a hearing in his own defence before any vote for such address shall pass, and in all such cases the vote shall be taken by yeas and nays and entered on the Journals of each house respectively—and provided also."

And the question being taken thereon, it was decided in the negative.

Mr. Phillips moved to amend the Constitution by striking out the first section of the 6th article, and inserting the following in lieu thereof. "Every officer of this State before entering upon the duties of his office, shall take the following oath or affirmation I, A. B do solemnly swear as the case may be) that I have not used any undue means to procure my election or appointment, either by treating, bribery, false representation or otherwise either directly or indirectly, & that all matters and things touching the services I am to perform I will to the best of my abilities, conduct myself so as to promote the public good that I am duly qualified according to the Constitution of this State, and that I will support the same, and the Constitution of the United States"

And the question being taken thereon, it was decided in the negative.

Mr Bibb (of Montgomery) moved to amend the 8th section of the 3d article, by striking out so much, as gives separate representation to towns.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by two Members present, those who voted in the affirmative, are messrs Armstrong, Bibb (of Limestone) Bibb (of Montgomery) Isaac Brown, Crabb, M'Goffin, Metcalf, Murphy, Phillips, Pickens (of Monroe) Pickens of Washington) Saffold, Terril, Tindal, Vanghan, Wiggins and Williams—17.

Those who voted in the negative, are Mr. President, Messrs. John Brown, Chambers, Clay, Conner, Cook, Ellis, Garrow, Hanby, Hitchcock, Hopkins, Hughes, Jackson, King, M'Vay, Minor, Moore, Rogers, Sims, Taylor, Thompson, Toulmin, Townes, Watkins and Wright—25.

On motion of Mr. Bibb, (of Limestone) ordered that the Constitution be laid upon the table.

On motion of Mr. Bibb, (of Limestone,) *Resolved*, that when this Convention adjourns, it will adjourn till 4 o'clock this evening.

On motion ordered that the Convention do now adjourn.

4 o'clock, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Hitchcock, the Convention resumed the consideration of the Constitution.

Mr. Hitchcock moved to strike out the 4th and 5th sections under the head of "militia," and insert the following, "The

Governor shall appoint his Aids-de-camp Majors General shall appoint their Aids-de-camp, and all other division Staff officers; Brigadiers General, shall appoint their Aids-de-camp and all other Brigade Staff officers; Colonels shall appoint their regimental Staff officers: and all other officers of the militia shall be elected or appointed in such manner as may be prescribed by law, provided that the General Assembly, shall not make any such elections or appointments, other than Adjutants General or Quarter Masters General, and all militia officers shall be commissioned by the Governor."

And the question being taken thereon, it was decided in the negative.

Mr. Crabb moved to strike out the 4th section under the head of militia, and to insert in lieu thereof the following: "Majors General shall be elected by the Brigadiers, and field officers of their respective divisions Brigadiers General shall be elected by the field officers of their respective Brigades. All other field officers of the militia, shall be elected by those citizens in their respective districts qualified to vote for representatives, or subject to military duty; Captains, Subalterns & non-commissioned officers shall be elected by those citizens in their respective districts, who are qualified to vote for members of the General Assembly or subject to military duty"

And the question being taken on striking out the said section, it was decided in the negative.

Mr. Phillips moved to amend the 16th section of the 3d article which prescribes the mode of appointing the clerks of courts, by adding the following proviso, "provided however that after the year———the General Assembly may prescribe a different mode of appointment, but shall not make such appointments.

And the question being taken thereon, it was decided in the affirmative.

Mr. Phillips then moved to fill the blank in said proviso, with the words one thousand eight hundred and twenty-six.

And the question being taken thereon, it was decided in the affirmative.

Mr. Hitchcock moved to amend the 16th section of the 4th article by striking out in the 2d line the words, "in the Governor and Senate or."

And the question being taken thereon, it was decided in the affirmative.

Mr. King moved to amend the 7th section of the Schedule by inserting in the fourth line after the word Assembly these words "Clerks of the several courts."

And the question being taken thereon, it was decided in the affirmative.

Mr. Crabb moved to amend the 8th section of the Schedule by striking out all the words after the word Representative in the 16th line; with a view of inserting the following; "the county of Madison shall be entitled to two Senators, and every other county to one Senator each"

And the question being taken on striking out, it was decided in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative are Messrs. Armstrong, John Brown, Isaac Brown, Conner, Cook, Crabb, Ellis, Garrow, Hanby, Jackson, M'Goffin, M'Vay, Metcalf, Phillips, Rogers, Sims, Terril, Thompson, Tindal, Toulmin, and Vaughan—21.

Those who voted in the negative, are Mr. President, Messrs. Bibb (of Limestone) Bibb (of Montgomery) Chambers, Clay, Davis, Hitchcock, Hopkins, Hughes, King, Minor, Moore, Pickens (of Monroe) Pickens (of Washington) Saffold, Taylor, Townes, Watkins, Wiggins, Wright, and Williams—21.

Mr. Toulmin moved to amend the 3d article of the Constitution by adding a new section at the end of it in the following words, "whenever an enumeration is made the ratio for a single representative shall be established. Any county which has double the number of such ratio, shall be entitled to two Representatives. The ratio for a third representative, shall be the original ratio with one third thereof added to it. The ratio for a fourth representative shall be the ratio of the third, with one third thereof added to it. The ratio for a fifth representative shall be the ratio for the fourth, with one third thereof added to it. The ratio for the sixth representative shall be the ratio for the fifth, with one third thereof added to it. The ratio shall advance in the same proportion for every additional representative."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative, are Messrs. Armstrong, John Brown, Isaac Brown, Conner, Cook, Crabb, Garrow, Hanby, M'Goffin, Metcalf, Pickens (of Washington)

Rogers, Saffold, Sims, Terril, Thompson, Toulmin, Vaughan, and Watkins—19.

Those who voted in the negative, are Mr. President, Messrs. Bibb (of Limestone Bibb (of Montgomery) Chambers, Clay, Davis, Ellis, Hitchcock, Hopkins, Hughes, Jackson, King, M'Vay, Minor, Moore, Phillips, Pickens (of Monroe) Taylor, Tindal, Townes, Wiggins, Wright and Williams—23.

Mr. Toulmin moved to amend the 9th section of the 3d article by adding the following proviso, "and provided also, that no county shall be entitled to more than five representatives." And the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative, are Messrs. Armstrong, Bibb (of Montgomery) John Brown, Isaac Brown, Conner, Cook, Crabb, Garrow, Hanby, Jackson, M'Goffin, Metcalf, Phillips, Rogers, Saffold, Sims, Terril, Thompson, Toulmin, and Vaughan—20.

Those who voted in the negative, are Mr. President, Messrs. Bibb (of Limestone) Chambers, Clay, Davis, Ellis Hitchcock, Hopkins, Hughes, King, M'Vay, Minor, Moore, Pickens (of Monroe) Pickens (of Washington) Taylor, Tindal, Townes, Watkins, Wiggins, Wright, and Williams—22.

Mr. Saffold moved to amend the 16th section of the 6th article by striking out all the section after the word contents in the 4th line. And the question being taken thereon, it was decided in the negative.

Mr. Williams moved to amend the 28th section in the 3d article, by striking out the words "at the town of Cahawba," (the place designated for the seat of Government) and inserting in lieu thereof, "at such place as may be prescribed by law" And the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative, are Messrs. Crabb, Hanby, M'Vay, Moore, Tindal and Williams—6.

Those who voted in the negative, are Mr. President, Messrs. Armstrong, Bibb (of Limestone) Bibb (of Montgomery) John Brown Isaac Brown, Chambers, Clay, Conner, Cook, Davis, Ellis, Garrow, Hitchcock, Hopkins, Jackson, King, M'Goffin, Minor, Phillips, Pickens (of Monroe) Pickens (of Washington) Rogers, Saffold Sims, Taylor, Terril, Thompson, Toulmin, Townes, Vaughan, Watkins, Wiggins, and Wright—35.

Mr. Williams moved to amend the Constitution, by adding to the General provisions a new section in the following words, "all lands liable to taxation in this State, shall be taxed in proportion to value." And the question being taken thereon, it was decided in the affirmative.

Mr. Thompson moved to amend the 8th section of the Schedule, by striking out in the 11th line the word "one" and inserting "two" in lieu thereof with a view of giving Marengo county two Representatives instead of one. And the question being taken thereon, it was decided in the negative.

Mr Bibb (of Limestone) moved to amend the 14th section of the 5th article by striking out from the word house in the 7th line to the word pass in the 10th line. And the question being taken thereon, it was decided in the negative.

Mr. Pickens (of Washington) moved to amend the Constitution by adding a new section to the General provisions in the following words.

"The General Assembly shall make provision by law for obtaining correct knowledge of the several objects proper for improvement, in relation to navigable waters, and to the roads in this State; and for making a systematic and economical application of the means appropriated to those objects."

And the question being taken thereon it was decided in the affirmative.

Mr. Bibb of Montgomery moved to amend the 8th section of the Schedule by striking out the word "two" in the 23d line and inserting "one" in lieu thereof, with a view of taking from the county of Madison one senator. And the question being taken thereon, it was decided in the negative.

Mr Cook moved to amend the 28th section of the 3d article prescribing the place where the next session of the Legislature shall be held by striking out the words, "at the town of Huntsville." And the question being taken thereon, it was decided in the negative.

Mr Metcalf moved to amend the new section proposed by Mr Williams by adding a proviso, in the following words:— "Provided that the General Assembly shall have no power to levy on white polls a tax for county or State purposes"

And the question being taken thereon, it was decided in the negative

Mr. Williams moved to reconsider the amendment proposed by Mr. Crabb to the 8th section of the Schedule (relative to the apportionment of Senatorial representation) And the question being taken thereon, it was decided in the affirmative.

Mr. Crabb then moved to strike out so much of the said section as relates to the senatorial representation and to insert in lieu thereof the following; "and each county shall be entitled to one Senator who shall serve for one term."

And the question being taken on striking out said section, it was decided in the affirmative.

The yeas and nays being demanded by two members present, those who voted in the affirmative, are Messrs. Armstrong, Bibb (of Montgomery) John Brown, Isaac Brown, Conner, Cook, Crabb, Ellis, Garrow, Hanby, Jackson, M'Goffin, Metcalf, Phillips, Rogers, Sims, Terril, Thompson, Tindal, Toulmin, Vaughan, Wiggins, Wright & Williams--24.

Those who voted in the negative, are Mr. President, Messrs. Bibb (of Limestone) Chambers, Clay, Davis, Hitchcock, Hopkins, Hughes, King, Minor, Moore, Pickens (of Monroe) Pickens (of Washington) Taylor, Townes and Watkins—16.

Mr. Moore moved to amend the amendment so as to give Madison county two Senators. And the question being taken thereon, it was decided in the negative.

The question was then taken on inserting the words proposed by Mr. Crabb, and passed in the affirmative.

Mr. Moore moved to add the following new section to come in under the head of general provisions. "Any member of either house shall have liberty to dissent from and protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons of his dissent entered on the Journals." And the question being taken thereon, it was decided in the affirmative.

Mr. Toulmin moved to add a new section to the Judicial department, in the following words, "whenever any Judge shall be unable to hold a circuit court by reason of sickness or other disability, the Governor shall have power to issue a temporary commission authorizing some other person to preside as Judge at the court or courts at which such Judge may be unable to attend." And the question being taken thereon, it was decided in the negative.

Mr. Moore moved to amend the 12th section of the 3d article, providing that Senators shall be elected for three years by striking out the word three and inserting "two." And the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative are Messrs. Armstrong, Crabb, Garrow, Hanby, Jackson, M'Goffin, M'Vay,

Metcalf, Moore, Phillips, Pickens (of Monroe) Pickens (of Washington) Saffold, Sims, Terril, Thompson, Tindal, Vaughan, Wiggins and Williams—20.

Those who voted in the negative, are Mr. President, Messrs. Bibb (of Limestone) Bibb (of Montgomery) John Brown Isaac Brown, Chambers. Clay, Cook, Davis, Ellis, Hitchcock, Hopkins, Hughes, King, Minor, Rogers, Taylor, Toulmin, Townes. Watkins and Wright—22.

Mr. Moore moved to strike out the 17th section of the 4th article. And the question being taken thereon, it was decided in the negative.

Mr. Moore moved to strike out the word "native," in the 5th section of the 4th article requiring the Governor to be a native citizen of the United States. And the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative, are Messrs. M'Goffin Moore and Rogers—5.

Those who voted in the negative, are Mr. President Messrs. Armstrong, Bibb (of Limestone) Bibb (of Montgomery) John Brown, Isaac Brown, Chambers, Clay, Conner, Cook, Crabb, Ellis, Garrow, Hanby, Hitchcock, Hopkins, Hughes, Jackson, King, M'Vay, Metcalf, Minor, Phillips, Pickens (of Monroe) Pickens (of Washington) Saffold, Sims, Taylor, Terril, Thompson, Tindal, Townes, Vaughan, Watkins, Wiggins, Wright and Williams—38.

Mr. Bibb, (of Limestone) moved to amend the 8th section of the Schedule, by striking out (in the 10th line) the word "three," and inserting the word "four," with a view of giving Limestone county four representatives And the question being taken thereon, it was decided in the negative.

On motion ordered that the Constitution be now engrossed for a third reading.

On motion of Mr. Clay Resolved, that a committee of three members be appointed to superintend the engrossing of the Constitution, whereupon Messrs. Clay, King and Hitchcock, were appointed.

On motion of Mr. Saffold "Resolved," that the Secretary be authorised to employ an additional clerk.

On motion of Mr. Taylor Resolved, that when this Convention adjourns, it will adjourn till 11 o'clock to-morrow morning.

On motion ordered that the Convention do now adjourn.

FRIDAY, July 30, 1819.

The Convention met pursuant to adjournment.

The Ordinance relative to the conditions contained in the 6th section of the act of Congress, for the admission of this Territory into the Union, was read a third time and passed.

On motion, ordered that the said ordinance be attached to and be made a part of the Constitution.

The memorial to Congress, praying that all that part of Florida which lies west of the Apalachicola river may be annexed to and form a part of the State of Alabama, provided that the late Treaty between Spain and the United States, relative to the cession of the Floridas be ratified, was read a a second time. And on motion ordered that the said memorial be now taken as engrossed and read a third time by its title which was done accordingly. The question was then taken on its passage, and decided in the affirmative.

On motion of Mr Pickens (of Washington) Resolved, that the said memorial be signed by the President and countersigned by the Secretary of this Convention, and transmitted to the Congress of the United States.

Mr. Bibb (of Montgomery) presented an ordinance establishing places of separate election which was received and read the first time, and on motion the said ordinance was read a second time by its title and ordered to be engrossed for a third reading.

On motion, Resolved, that when this Convention adjourns it will adjourn till 4 o'clock this evening.

On motion, ordered that the Convention do now adjourn.

4 o'clock P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Pickens (of Washington) the engrossed Constitution was read a third time, and the question being taken on its passage, it was unanimously adopted.

On motion of Mr. Pickens (of Washington) ordered that the Constitution be enrolled and that the same committee who superintended the engrossing do superintend the enrolling thereof.

On motion ordered that the Convention do now adjourn.

SATURDAY, July 31, 1819.

The Convention met pursuant to adjournment.

On motion of Mr. King Resolved, that an additional member be appointed to supply the place of Mr. Clay (absent from indisposition) to superintend the enrolling of the Constitution; whereupon Mr. Taylor was appointed.

Mr. King then moved that the committee have permission to attend to the enrolling during the session of the Convention; which was granted.

On motion of Mr. Bibb (of Montgomery) the ordinance establishing separate places of election was read a third time and passed.

On motion of Mr. Bibb of Montgomery, Resolved, that the said ordinance be considered as enrolled; and that it be signed by the President and attested by the Secretary.

Mr. Pickens (of Washington) offered the following resolution: Resolved that the compensation due to the members and officers of this Convention, as well as all other contingent expences of the Convention, be paid on the order of the President out of any money in the Treasury. And the question being taken thereon, it was decided in the affirmative.

Mr. Pickens (of Washington) offered the following resolution, *Resolved*, that a copy of the Constitution be prepared under the direction of the President and transmitted to the Congress of the United States And the question being taken thereon, it was decided in the affirmative.

Mr. Bibb (of Montgomery) offered the following resolution, *Resolved*, that forty-four copies of the Constitution be printed for the use of the members of this Convention, and that one thousand copies be distributed by the Secretary of State among the several counties according to the temporary apportionment of Representatives. And the question being taken thereon, it passed in the affirmative

On motion, of Mr. Pickens (of Washington) Resolved, that when this Convention adjourns it will adjourn till 10 o'clock on Monday next.

On motion, ordered that the Convention do now adjourn.

MONDAY, August 2, 1819.

The Convention met pursuant to adjournment.

Mr. Clay from the committee appointed to superintend the enrolling of the Constitution, reported that the committee had according to order performed that duty; and had directed him to report that the Constitution was duly enrolled.

On motion of Mr. Hitchcock, Resolved that the President and members from the several counties, do now sign, and the Secretary attest the same.

Whereupon it was signed and attested as follows:

J. W. Walker, *President of the Convention, and Representative from Madison County.*

Madison County.—Clement C. Clay, John Leigh Townes, Henry Chambers, Lemuel Mead, Henry Minor, Gabriel Moore John M. Taylor,

Monroe County.—John Murphy, John Watkins, James Pickens, Thomas Wiggins.
Blount County—Isaac Brown, John Brown, Gabriel Hanby,
Limestone County—Thomas Bibb, Beverly Hughes, Nicholas Davis.
Shelby County—George Phillips, Thomas Ames Rogers,
Montgomery County—John Dandridge Bibb. James W. Armstrong.
Baldwin County—Harry Toulmin.
Mobile County—S. H. Garrow.
Washington County—Israel Pickens, Henry Hitchcock.
Tuscaloosa County—Marmaduke Williams, John L. Tindal,
Lawrence County—Arthur F. Hopkins, Daniel Wright,
Franklin County—William Metcalf, Richard Ellis,
Cotaco County—Thomas D. Crabb, Melkijah Vaughan.
Clarke County—Reuben Saffold, James Magoffin,
Cahawba County.—Littlepage Sims.
Conecuh County—Samuel Cook,
Dallas County.—William R. King.
Marengo County—Washington Thompson.
Marion County—John D. Terril.
Lauderdale County—Hugh M'Vay.
St. Clair County—David Conner.
Autauga County.—James Jackson.
Attest, John Campbell, *Secretary of the Convention*.

On motion of Mr. King Resolved, that the Secretary of the Convention be instructed to deposit the enrolled Constitution in the office of the Secretary of State.

Mr Pickens (of Washington) offered the following resolution, *Resolved*, that the thanks of this Convention be presented to John W. Walker, President thereof, for the dignity, ability and impartiality, with which he has discharged the arduous duties of the chair.

And the question being taken thereon, by the Secretary, it passed unanimously in the affirmative.

Mr. President then rose and delivered the following address:

"Gentlemen!—I receive with lively sensibility this fresh testimonial of your favour: while I have life, I shall never cease to cherish a grateful recollection of the uniform kindness and support of this enlightened Convention. It affords me sincere gratification to find that the manner in which I have been enabled to discharge the duties of the chair, has been satisfactory to you; and for the polite and flattering terms in

which you have chosen to express your approbation, I tender you the return of warm and cordial thanks.

The subject on which we were called to deliberate was of the first importance. Our labours are now at an end. We have given to the State of Alabama a Constitution —not indeed perfect—not precisely such as any one member of this body or perhaps of any individual of this community, would, unassisted, have framed in his closet. Yet emphatically republican and such as gives us a clear and indisputable title, to admission into the great family of the Union. If it has some faults, it has at the same time, many excellencies; and for all its defects it carries within itself the grand corrective of amendment. The people can mould it as they please. It proclaims the great first principles of liberty: It guards the equal rights of all, and some new features of vital interest, seem to promise the happiest results. The offspring of mutual concession and compromise, it occupies that middle ground on which a majority was found to unite. In the main we have all approved and signed it. Let us hope that it will be also approved by the people of Alabama: and that under its auspicious influence, they and their posterity, may long be free, prosperous and happy.

Accept gentlemen for yourselves individually, my best wishes for your health, happiness and long continued usefulness."

On motion of Mr. Fickens of Washington) ordered that the Convention do now adjourn *sine die*.

Whereupon it was adjourned by the President accordingly.

JOHN CAMPBELL,
Secretary of the Convention.